



**THE CITY OF NEW YORK  
LAW DEPARTMENT**

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(not for service)

November 23, 2021

**VIA ECF**

Hon. Ona T. Wang  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

Denied. The parties are directed to appear for the December 2, 2021 conference. Defendants are directed to mail a copy of this Order to Plaintiff.

A handwritten signature in blue ink, appearing to read "Ona T. Wang".

**Ona T. Wang** 11/23/2021  
United States Magistrate Judge

Dear Judge Wang:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, attorney for Defendants City of New York and C.O. Richardson in the above-referenced action. Pursuant to I.E of the Court's Individual Practices in Civil Cases, I write to respectfully request that the initial conference in this matter be adjourned *sine die*.

In his Amended Complaint, Plaintiff alleges that while he was housed at the Vernon C. Bain Center ("VCBC") at some point in 2021, DOC failed to put measures in place to prevent the spread of the COVID-19 virus. On November 19, 2021, Defendants moved to dismiss the Amended Complaint on the grounds that: (i) Plaintiff has failed to exhaust his administrative remedies, (ii) Plaintiff fails to allege the personal involvement of Defendant R-Setka, and (iii) Plaintiff fails to allege a basis for municipal liability. Defendants anticipate that their motion will fully dispose of the claims in this action.

In addition, by Order dated October 26, 2021 (ECF No. 18), the Court scheduled an initial conference in this matter (currently set to take place on December 02, 2021 at 3:00 p.m.) and directed the parties to meet and confer pursuant to Rule 26(f) and to submit proposed scheduling orders. By letter dated November 4, 2021, I informed Plaintiff of the Court's Order, and requested that Plaintiff contact me to discuss the matters referenced in the Court's Order. To date, however, Plaintiff has not contacted me.

In light of Defendants' pending motion, and because Plaintiff has not responded to Defendants' correspondence concerning the initial conference in this matter, Defendants respectfully request that the Court adjourn the December 2, 2021 initial conference in this matter *sine die*.

This is Defendants' second request for an adjournment of the initial conference. The first request was made to allow Defendants time to confer with Plaintiff and was granted by the Court.

As Plaintiff is proceeding *pro se* and because I could not locate Plaintiff's email address or telephone number, I was unable to speak to Plaintiff to obtain this consent to this request.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/  
\_\_\_\_\_  
Copatrick Thomas  
Assistant Corporation Counsel

cc: Darrell Rose  
Plaintiff  
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Apt. #B301  
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(via regular mail)